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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

COYNESS L. ENNIX, JR., M.D.,

Plaintiffs,

v.

ALTA BATES SUMMIT MEDICAL
CENTER,

Defendants.

Case No.: C 07-2486 WHA

**JOINT REPORT REGARDING THE
PROGRESS AND STATUS OF ADR
EFFORTS AND FURTHER ADR
RECOMMENDATIONS BY THE
PARTIES**

Date: April 2, 2008
Dept.: Ctrm. 9, 19th Floor
Judge: Hon. William H. Alsup

Complaint Filed: May 9, 2007
Trial Date: June 2, 2008

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2 The parties submit this Joint Report Regarding the Progress and Status of ADR
3 Efforts and Further ADR Recommendations by the Parties pursuant to the Court's March
4 19, 2008, Order.

5 1. **Progress and Status of ADR Efforts**

6 On October 24, 2007, the parties completed an Early Neutral Evaluation ("ENE")
7 session. There have been no other ADR processes or extended settlement discussions to
8 date.

9 2. **Further ADR Recommendations by Plaintiff**

10 Plaintiff has been, and remains, willing to participate in any of the court sponsored
11 ADR processes. Now that discovery is complete, plaintiff hopes that defendant might be
12 amenable to settlement discussions, even though defendant has shown no such interest to
13 date. Plaintiff recommends that the Court refer this case for a Settlement Conference to
14 be conducted by Magistrate Judge Spero pursuant to ADR Local Rule 7.

15 3. **Further ADR Recommendations by Defendant**

16 Defendant's purported lack of interest in settlement discussions has been
17 predicated upon positions Plaintiff's counsel has expressed in informal discussions
18 regarding settlement which have conveyed to Defendant that a settlement conference
19 would not be useful. Defendant does not oppose Plaintiff's request for a reference to
20 Magistrate Judge Spero.
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22
23

24 Dated: April 2, 2008

Respectfully Submitted,

MOSCONE, EMBLIDGE & QUADRA, LLP

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27 By: _____/s/
G. Scott Emblidge

Attorneys for Plaintiff

DATED: April 2, 2008

KAUFF McCLAIN & McGUIRE LLP

By: /s/
MAUREEN E. McCLAIN

Attorneys for Defendant